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# GOVERNOR'S MESSAGE

TO THE

## GENERAL ASSEMBLY,

JANUARY SESSION,

1893.

# MESSAGE

OF

HIS EXCELLENCY

# LUZON B. MORRIS,

GOVERNOR OF CONNECTICUT

TO THE

# GENERAL ASSEMBLY,

JANUARY SESSION, 1893.

HARTFORD, CONN.:
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1893.

# State of Connecticut.

## MESSAGE.

*Gentlemen of the General Assembly:*

In a State that has existed for so many years, and has had so many General Assemblies to make its laws, it would seem at first thought that its laws must be nearly perfect, and that very little legislation remained to be done. But when we consider the great changes that have taken place during the present century in the methods of doing business, the manner of travel, the occupations of the people, and their ways of living, we find the need of new legislation, for new laws, and for amendments of the old laws, which in their day were adapted to the wants of the people, but which, by reason of the great changes which have taken place, have become either obsolete or unsuitable for the present time. In the early part of this century the occupations of the people of Connecticut were principally agricultural. Whatever manufacturing was done was for local needs. Steam as a motive power was undeveloped; electricity as a means of communication was unknown. So far as public conveyances were concerned, sailing vessels upon the navigable waters and stage coaches upon the highways answered the purposes of the people. But with the introduction of steam and electricity the methods and

occupations of the people have greatly changed. Instead of being an agricultural people the inhabitants of the State have become engaged in manufacturing. Formerly business was conducted for the most part by individuals or by small partnerships, and the market for produce raised and goods manufactured was strictly a home market. Now business is done by large corporations, and the market for goods manufactured has extended over the world. These great changes in the manner of doing business have called for alterations in our laws, and still call for further legislation. It becomes an important duty for you to consider these changes, and to so legislate as to meet the present requirements of the people.

In this connection, I call your special attention to the great need of a constitutional convention to revise the organic law of this State. We are living under a Constitution which was adopted during the stage-coach era, when the people were generally engaged in agriculture, and the population of the State was much more evenly distributed among the several towns than at present. Their wants were similar, and the Constitution when adopted was suitable for their condition at that time. With the changes in pursuits and methods of business there has arisen great inequality in the population of the several towns. In some the population has decreased, in others it has largely increased, and different interests have arisen, so that the representation given to the several towns when the Constitution was adopted, and which was then substantially equal and just, has become very unequal and unjust. To illustrate this, if we refer to the population of the several

towns of this State, as shown by the census of 1890, we shall find that towns having less than one-seventh part of the population of the State elect a majority of the House of Representatives, and therefore have more political power than the remaining six-sevenths. The mere statement of this fact alone would seem to be enough to prove the need of a constitutional revision. But, if argument is needed, let us briefly notice the evils which result from this unequal representation.

By Article II of the Constitution the powers of the government are divided into three distinct departments: the legislative, the executive, and the judicial. But by examination we shall find that all these departments have become, to a great extent, merged in one, to wit, the legislative; where, as we have shown, the House of Representatives is controlled by members who represent less than one-seventh part the population of the State. As to the executive department, the Constitution provides that the State officers, in order to be elected by the people, must have a majority over all opposing candidates, and failing in this, the election of the State officers — the executive department — goes to the legislative department, where, as we have shown, a majority of the House is elected by less than one-seventh part of the people of the State. At the present time, when there are so many parties in the field, the probabilities are that the people will not give any one candidate a majority over all, and that the election of the executive department will devolve upon the legislative department; and by actual experience in this State we know that such is generally the result, and that, in fact, the ex-

ecutive department has become largely vested in and dependent upon the legislative department.

Now, with the legislative department constituted as we have shown, and with the executive department elected by the legislative department, let us examine the judicial department. The constitution provides that judges of our higher courts shall be nominated by the Governor, and appointed by the General Assembly, that is, the legislative department. Thus we see that with a Governor elected by the legislative department, members of the judicial department are nominated by him, and are appointed by the same legislative department. Thus, to a great extent, we find that under our defective Constitution the three departments of government are merged in one—the legislative department. The framers of the original Constitution did not intend this, but intended that the three departments should be kept separate. This condition of things has arisen through the patchwork of amendments that has been attached to the original Constitution, and through the changes in population and pursuits of the people.

In speaking of the legislative department, I have alluded more particularly to the House of Representatives. The Senate is but little, if any, better, so far as popular representation is concerned, although it was intended by the framers of the Constitution to be more closely based upon population than the House. But the provisions of the Constitution to the effect that no town shall be divided in forming Senatorial districts, and that every county shall have at least two Senatorial districts, have made the Senate anything but a body based upon popular representation, and

we see to-day that there are two counties having four Senators, and one town with a population 30 per cent. greater than these two counties which has but one Senator. These defects in the Constitution cannot be remedied by amendments. Twenty-eight amendments to the Constitution have already been adopted, with the effect of making that instrument obscure, ambiguous, and uncertain. We find it necessary as often as once in ten years to have a revision of our statutes, in order that the laws may be made intelligible. But the Constitution, with its various amendments adopted during the last seventy-four years, has not been revised.

If we are to retain popular government in Connecticut the Constitution should be so changed that the votes of the people as cast on election day should have their full effect. It is seldom that the executive officers of this State are those who have received a plurality of the people's votes. In forty of the forty-four States of the Union a plurality vote elects the State officers. In every State admitted into the Union during the present century a plurality vote elects. In this State the plurality vote elects the Presidential electors, members of Congress, State Senators and Representatives, sheriffs, and judges of probate. No good reason can be shown why the executive officers of the State should not be elected by a plurality vote. In no other way can the votes of the people be given their full effect. The law, as it is, habitually works injustice. A law that habitually works injustice cannot be respected. It may be obeyed because it is a law, but the whole moral effect of the law is lost when it cannot be respected as well as

obeyed. I trust, therefore, that this General Assembly will pass an act calling a constitutional convention, for the purpose of revising and adapting the Constitution of this State to the present wants of the people.

I would call your attention to our present method of appointing county commissioners by the Legislature. The duties of these commissioners are confined to their respective counties. Great powers are given them in the management of the affairs of the county, and in contracting debts which the people of the county have to pay. Selectmen, who have charge of the affairs of the town, are elected by the people of that town. I can see no good reason why county commissioners should not be elected by the people of their respective counties. Sheriffs of the several counties are so elected, and the people have a greater interest in the selection of persons for commissioners than for sheriffs. The present method of appointing them by the Legislature, where persons from other parts of the State who have no interest in or responsibility for the acts of commissioners in any other county than their own, have the power to appoint commissioners for other counties, is unjust and wholly inconsistent with the principle of "home rule." Formerly justices of the peace, sheriffs, and judges of probate were appointed by the Legislature, but this method has long since been abandoned, and, with the exception of county commissioners, officers whose duties are local are now elected by the people.

By our laws relative to the sale of spirituous liquors, the power of issuing licenses is given to the county commissioners. There is no appeal from their decisions. This

gives them an absolute power over the occupations of a large number of people, by which, if they are so disposed, they can deprive them of the means of supporting their families. Such a power is liable to abuse in the hands of unscrupulous persons, and especially when, at an approaching election, partisanship is in the ascendant. I would, therefore, recommend that in passing a law providing for the election of county commissioners by the people, provision should be made for minority representation. The power given to county commissioners is too absolute to be trusted entirely in the hands of any one party.

At the session of the General Assembly in 1889 an act was passed concerning elections, known as the "secret ballot act." This law, while working beneficially in many respects, has upon trial been found to be defective, and there is need of further legislation to remove some of the technicalities of the law; to simplify it, so that persons of ordinary intelligence can readily understand its provisions.

In a republican form of government, where the vote of one man equals the vote of another, the elective franchise is a matter of the greatest importance to each individual citizen, and the purity of the same lies at the very foundation of good government. If one man uses his vote corruptly, it offsets and neutralizes the vote of another who has honestly endeavored to perform his duty as a citizen; consequently the welfare of the State requires that the elective franchise should be used only in the interest of good government. If a man is so debased that he is willing to sell his vote, he certainly is unfit to exercise the elective franchise; and upon conviction of such an

offense, why should he not be disfranchised? The man who purchases the vote of another is equally an enemy of good government, and should, upon conviction, be liable to the same penalty. I press this matter upon your attention. We are living in an age when great fortunes are possessed by a few persons, many of whom are willing to purchase with their money positions to which they could not otherwise be elected; and, on the other hand, there are those who are willing to use their elective franchise for purposes of pecuniary gain. Herein lies great danger to good government, and there should be a law that would disfranchise a man who sells or buys a vote.

Our courts, that construe the law and pass upon the different causes brought before them, watch with jealous care all improper influences that are brought to bear upon the judges or jury. Any person who should attempt to approach a judge or juryman secretly, in order to influence him in the discharge of his duty, would be deemed guilty of an offense. Why should not the same watchful care be exercised by the members of the Legislature who make our laws? The Legislature is the source whence our laws come, and if the source is impure it follows that the laws coming therefrom will be impure. The influences that are often brought to bear upon members of the Legislature to procure the passage of certain laws would not be tolerated in any court of justice. Why should they be tolerated in the body that makes the laws? There should be some legislation to prevent any undue approach to any member of the Legislature in the performance of his duty. This need not interfere with the full discussion of any matter pending

before the Legislature, through the public press, nor with any printed matter distributed generally to all the members, nor with any public hearings before committees of the General Assembly; for if anything which is erroneous is there stated, there is an opportunity to reply or to explain. But the custom, which has become too prevalent, of employing persons not members of the Legislature to use their influence with members privately, in order to secure their support for any matter pending before the Legislature, should be deemed as great an offense as if the same influence were brought to bear upon a court or jury. This is a growing evil, and the good name and welfare of the State require that you should so legislate as to prevent this as far as possible.

At the General Assembly of 1889 an act was passed providing that any person may take or send to the office of the Treasurer of this State any bond, note, or other chose in action, and may pay a State tax thereon, etc. Why would it not be better to allow a person to make duplicate lists of such bonds and choses, describing the same so that they could be easily identified, make oath to the same, and send such lists to the Treasurer of the State, the Treasurer upon payment of the tax, keeping one copy on file in his office, and receipting the other and returning it to the person making it, as an evidence of the payment of the tax? The present method, requiring bonds and choses to be taken to the office of the Treasurer, is very objectionable. Trustees of estates, who may be under heavy bonds for the safety of their trusts, are obliged to carry large amounts of bonds to the office of the Treasurer from distant parts of

the State, and oftentimes to leave them for many days before they can be stamped and returned. The Treasurer could not be held responsible in case of the loss of bonds, and he has no suitable place in which to keep so large an amount. The transportation of such large amounts of bonds from place to place offers a great opportunity for robbery to be committed. I have reason to believe that many more bonds and choses would be returned for taxation if it were not for the present objectionable requirement for the presentation of the bonds to be stamped. There is no more trouble in making a list of bonds for taxation than in making a list of cattle and horses; and no more need of stamping upon the bonds the evidence that the tax is paid than there would be of stamping such evidence upon the horns of cattle or the hoofs of horses. Ought not the tax collected by the State Treasurer on such bonds and choses to be refunded, wholly or in part, to the towns where the owners of the same reside? They are properly taxable there, and the towns should have the benefit of the taxes collected on them. In many of the towns the grand lists are decreasing while their taxes are increasing, and they need all the money received from taxation which legitimately belongs to them. Heretofore these bonds and choses have to a certain extent been withheld from taxation; the present system of taxing them has been successful in bringing them forth for that purpose, and with the change I have suggested I think many more would be presented.

I call your attention to the necessity for further legislation in regard to grade-crossings of railroads with high-

ways. The number of deaths at these crossings has become alarming. It is an increasing danger, for the reason that the demands of business require more frequent trains and greater speed. The danger has arisen entirely from the construction of the railroads, and the expense of removing the grade-crossings should be borne by the railroad corporations, at least to the extent of all highways that were in existence at the time the railroads were built. As to the highways laid out after the railroads were built, the expense of removing the grade-crossings might be apportioned between the railroads and towns by the railroad commissioners. In any event, the danger to human life at these grade-crossings should be removed, and there should be some legislation to bring about such a result more rapidly.

Commissioners have been appointed by the States of New York, New Jersey, Pennsylvania, Massachusetts, Delaware, Georgia, Mississippi, and Michigan, for the purpose of promoting uniformity of legislation throughout the United States. It would be a great convenience to the people if the laws relative to the execution of deeds, wills, and other conveyances; laws relative to descent, distribution, domicile, marriage, and divorce, probate of wills, insolvency, and some others could be uniform in all the States. I would recommend that three commissioners be appointed by Connecticut to join with the commissioners appointed by other States for the purpose of accomplishing this very desirable object.

I call your attention to the fact that no legislation has been had relative to the World's Fair at Chicago. The